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In re Application of MANGELINCK :
U.S. Application No.: 10/707,968 :
PCT Application No.: PCT/SG02/00174 : DECISION
Int. Filing Date: 31 July 2002 :
Priority Date Claimed: 31 July 2001 :
Attorney Docket No.: ASTAP2004-01 :
For: GATE ELECTRODES AND THE :
FORMATION THEREOF :

This is in response to applicant's "Renewed Petition Under 37 CFR 1.182" filed
12 November 2004.

BACKGROUND

On 31 July 2002, applicant filed international application PCT/SG02/00174, which
claimed priority of an earlier Singapore application filed 31 July 2001. A copy of the
international application was communicated to the USPTO from the International Bureau on
13 February 2003. The thirty-month period for paying the basic national fee in the United States
expired on 31 January 2004.

On 29 January 2004, applicant filed application papers in the USPTO via the Electronic
Filing System (EFS).

On 26 May 2004, applicant filed a petition under 37 CFR 1.182.

On 25 June 2004, this Office mailed a decision dismissing the 26 May 2004 petition.

On 16 September 2004, applicant filed a renewed petition under 37 CFR 1.182.

On 21 September 2004, this Office mailed a decision dismissing the 16 September 2004
petition.

On 12 November 2004, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

As discussed in the decision mailed 25 June 2004, U.S. statutes and regulations do not make specific provision for the requested conversion and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

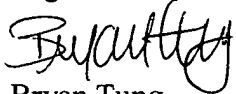
As noted in the decision mailed 21 September 2004, applicant has the ability make the current 35 U.S.C. 111(a) application a continuation of the international application, which would cause no loss of patent rights. The present renewed petition states that because the time period for amending the current application to include an appropriate reference to the corresponding international application has lapsed, such remedy is not available to applicant. However, the necessary amendment may be made in accordance with 37 CFR 1.78(a)(3) without any loss of patent rights. Thus, grant of the renewed petition is not indicated.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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